

# HONDURAS 2021 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Honduras is a constitutional, multiparty republic. The most recent national and local elections were held in November. Voters elected Xiomara Castro of the LIBRE Party as president for a four-year term scheduled to begin in January 2022. International observers generally recognized the elections as free and fair.

The Honduran National Police maintain internal security and report to the Secretariat of Security. The armed forces, which report to the Secretariat of Defense, are responsible for external security but also exercise some domestic security responsibilities in support of the national police and other civilian authorities. Some larger cities have police forces that operate independently of the national police and report to municipal authorities. The Military Police of Public Order report to military authorities but conduct operations sanctioned by civilian security officials as well as by military leaders. The National Interinstitutional Security Force coordinates the overlapping responsibilities of the national police, military police of public order, National Intelligence Directorate, and Public Ministry during interagency operations. Civilian authorities at times did not maintain effective control over security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings; torture and cases of cruel, inhuman, or degrading treatment or punishment by government agents; harsh and life-threatening prison conditions; arbitrary arrest or detention; serious restrictions on free expression and media, including threats to media members by criminal elements and the existence of criminal libel laws; serious government corruption; lack of investigation of and accountability for gender-based violence; and crimes involving violence or threats of violence against indigenous and Afro-descendant communities, and against lesbian, gay, bisexual, transgender, queer, and intersex persons.

The government prosecuted some officials who committed abuses, including

government corruption, but a weak judicial system and corruption were major obstacles to obtaining convictions.

Organized criminal groups, including local and transnational gangs and narcotics traffickers, were significant perpetrators of violent crimes and committed acts of homicide, torture, kidnapping, extortion, human trafficking, intimidation, and other threats and violence directed against human rights defenders, judicial authorities, lawyers, business community members, journalists, bloggers, women, and other vulnerable populations. The government investigated and prosecuted some of these crimes, but impunity was widespread.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports that the government or its agents committed arbitrary or unlawful killings. The reported killings took place during law enforcement operations or were linked to criminal activity by government agents. The Ministry of Security's Directorate of Disciplinary Police Affairs investigated members of the Honduran National Police accused of human rights abuses. The Office of the Inspector General of the Armed Forces and the Humanitarian Law Directorate investigated and arrested members of the military accused of human rights abuses.

The National Human Rights Commission (CONADEH) reported 15 arbitrary or unlawful killings by security forces as of August. The Public Ministry reported two such cases in judicial processing and five other cases under investigation as of September.

On April 27, the Public Ministry filed an indictment against police officer Jarol Rolando Perdomo Sarmiento for the February 6 murder of Keyla Martinez in La Esperanza, Intibuca Department. Perdomo allegedly killed Keyla Martinez after she was detained for violating the country's COVID-19 curfew.

The government continued to prosecute individuals allegedly involved in the 2016 killing of environmental and indigenous activist Berta Caceres. On July 5, the National Tribunal Court found Roberto David Castillo Mejia guilty for his role as

one of the alleged intellectual authors of her murder.

There were reports of violence related to land conflicts and criminal activity. On July 6, unknown assailants shot and killed land rights defender Juan Manuel Moncada in Tocoa, Colon Department. Authorities continued to investigate the incident.

Organized criminal groups, such as drug traffickers and local and transnational gangs including MS-13 and the 18th Street gang, committed killings, extortion, kidnappings, human trafficking, and intimidation of police, prosecutors, journalists, women, human rights defenders, and others. Major urban centers and drug trafficking routes experienced the highest rates of violence.

On July 25, media reported individuals shot and killed Liberal Party congressional candidate and former congresswoman Carolina Echeverria Haylock in Tegucigalpa. In September police arrested Denis Abel Ordonez, Michael Andre Mejia, and Walter Antonio Matute Raudales in connection with her murder. Media linked her killing to organized criminal groups and drug trafficking organizations.

## **b. Disappearance**

There were no credible reports of disappearances by or on behalf of government authorities.

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

Although the law prohibits such practices, government officials received complaints and investigated alleged abuses by members of the security forces on the streets and in detention centers.

CONADEH reported 69 cases of alleged torture or cruel and inhuman treatment by security forces through August, while the Public Ministry received 18 such reports. The quasi-governmental National Committee for the Prevention of Torture, Cruel, Inhuman, or Degrading Treatment (CONAPREV) received 18 complaints of the use of torture or cruel and inhuman treatment through August.

Corruption along with a lack of investigative resources and judicial delays led to widespread impunity, including in security forces. The Directorate of Disciplinary Police Affairs investigated abuses by police forces. The directorate issued 1,379 recommendations to the Ministry of Security for disciplinary actions as of September following internal investigations of national police members. The Office of the Inspector General of the Armed Forces and the Humanitarian Law Directorate investigated abuses by the military. CONADEH received complaints involving human rights abuses and referred them to the Public Ministry for investigation. The Secretariat of Human Rights provided training to security forces to reinforce respect for human rights. Through September the secretariat trained 2,626 law enforcement officials in human rights and international humanitarian law.

### **Prison and Detention Center Conditions**

Prison conditions were harsh and at times life threatening due to pervasive gang-related violence and the government's failure to control criminal activity within the prisons. Prisoners suffered from overcrowding, insufficient access to food and water, violence, and alleged abuse by prison officials.

**Physical Conditions:** Prisoners suffered from severe overcrowding, malnutrition, lack of adequate sanitation and medical care, and, in some prisons, lack of adequate ventilation and lighting. The Secretariat of Human Rights reported that as of September 7, the total prison population was 20,768 in 25 prisons and one detention center. According to the secretariat, the system was designed for approximately 10,600 inmates.

The government failed to control pervasive gang-related violence and criminal activity within the prisons. Many prisons lacked sufficient security personnel. Many prisoners had access to weapons and other contraband, inmates attacked other inmates with impunity, and inmates and their associates outside prison threatened prison officials and their families. These conditions contributed to an unstable, dangerous environment in the penitentiary system. Media reported prison riots, violent confrontations, and killings between gang members in prisons throughout the year.

CONAPREV reported 13 violent deaths in prisons as of September. On June 17, a riot between alleged members of the 18th Street and MS-13 gangs in the maximum-security prison La Tolva in Moroceli, El Paraiso Department, resulted in five dead and 39 injured.

As of September the Secretariat of Human Rights reported the country's pretrial detention center held 33 individuals. The center, administered by the National Prison Institute, was on a military installation and received some support services from the military. The government used the pretrial detention center to hold high-profile suspects and those in need of additional security, including police and military officials. The government closed two pretrial detention centers in April due to low numbers of these types of pretrial detainees. Long periods of pretrial detention remained common and problematic, with many other pretrial detainees held in the general population with convicted prisoners.

Authorities did not generally segregate those with tuberculosis or other infectious diseases from the general prison population; as of September the National Prison Institute reported 106 prisoners had been treated for tuberculosis. The lack of space for social distancing combined with the lack of adequate sanitation made prison conditions even more life threatening during the COVID-19 pandemic. The Secretariat of Human Rights reported three prisoner deaths due to COVID-19 through September. There was limited support for persons with mental illnesses or disabilities. CONAPREV reported every prison had a functioning health clinic with at least one medical professional, but basic medical supplies and medicines were in short supply throughout the prison system. In most prisons only inmates who purchased bottled water or had water filters in their cells had access to potable water.

**Administration:** The judicial system is legally responsible for monitoring prison conditions and providing for the rights of prisoners. The government tasks CONAPREV with visiting prisons and making recommendations for protecting the rights of prisoners. CONAPREV conducted 138 visits to prisons as of September. Media noted that family members often faced long delays or were unable to visit detainees.

**Independent Monitoring:** The government generally permitted prison visits by

independent local and international human rights observers, including the International Committee of the Red Cross.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The Inter-American Commission on Human Rights reported that authorities at times failed to enforce these requirements effectively.

#### **Arrest Procedures and Treatment of Detainees**

The law provides that police may make arrests only with a warrant unless they make the arrest during the commission of a crime, there is strong suspicion that a person has committed a crime and might otherwise evade criminal prosecution, or they encounter a person in possession of evidence related to a crime. The law requires police to inform persons of the grounds for their arrest and bring detainees before a competent judicial authority within 24 hours. It stipulates that a prosecutor has 24 additional hours to decide if there is probable cause for indictment, whereupon a judge has 24 more hours to decide whether to issue a temporary detention order. Such an order may be effective for up to six days, after which the judge must hold a pretrial hearing to examine whether there is probable cause to continue pretrial detention. The law allows persons charged with some felonies to avail themselves of bail and gives prisoners the right of prompt access to family members. The law allows the release of other suspects pending formal charges, on the condition that they periodically report to authorities, although management of this reporting mechanism was often weak. The government generally respected these provisions. Persons suspected of any of 21 specific felonies must remain in custody, pending the conclusion of judicial proceedings against them. Some judges, however, ruled that such suspects may be released on the condition that they continue to report periodically to authorities. The law grants prisoners the right to prompt access to a lawyer of their choice and, if indigent, to government-provided counsel, although the public defender mechanism was weak, and authorities did not always abide by these requirements.

**Arbitrary Arrest:** CONADEH reported 38 reports of arbitrary arrest through

August. The Public Ministry reported seven cases of alleged illegal detention or arbitrary arrest as of September.

**Pretrial Detention:** Judicial inefficiency, corruption, and insufficient resources delayed proceedings in the criminal justice system, and lengthy pretrial detention was a serious problem. For crimes with minimum sentences of six years' imprisonment, the law authorizes pretrial detention of up to two years. The prosecution may request an additional six-month extension, but many detainees remained in pretrial detention much longer, including for more time than the maximum period of incarceration for their alleged crime. The law does not authorize pretrial detention for crimes with a maximum sentence of five years or less.

The law mandates that authorities release detainees whose cases have not yet come to trial and whose time in pretrial detention already exceeds the maximum prison sentence for their alleged crime. Nonetheless, many prisoners remained in custody after completing their full sentences, and sometimes even after an acquittal, because officials failed to process their releases expeditiously.

### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, but the justice system was poorly funded and staffed, inadequately equipped, often ineffective, and subject to intimidation, corruption, politicization, and patronage. Low salaries and a lack of internal controls rendered judicial officials susceptible to bribery. Powerful special interests, including organized criminal groups, exercised influence on the outcomes of some court proceedings.

### **Trial Procedures**

The law provides for the right to a fair and public trial; however, the judiciary did not always enforce this right.

The law presumes an accused person is innocent. The accused has the right to an initial hearing before a judge, to ask for bail, consult with legal counsel in a timely manner, have a lawyer provided by the state if necessary, and request an appeal. Defendants may receive free assistance from an interpreter. The law permits

defendants to confront witnesses against them and offer witnesses and evidence in their defense. Defendants may not be compelled to testify or confess guilt. Authorities generally respected these rights.

Credible observers noted problems in trial procedures, such as a lack of admissible evidence, judicial corruption, witness intimidation, and an ineffective witness protection program.

### **Political Prisoners and Detainees**

There were no credible reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

The law establishes an independent and impartial judiciary in civil matters, including access to a court to seek damages for human rights violations. Litigants may sue a criminal defendant for damages if authorized by a criminal court. Individuals and organizations may appeal adverse domestic decisions to the Inter-American Human Rights System.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

Although the law generally prohibits such actions, a legal exception allows government authorities to enter a private residence to prevent a crime or in case of another emergency. There were credible complaints that police occasionally failed to obtain the required authorization before entering private homes. As of September CONADEH had received 33 complaints.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The law provides for freedom of expression, including for members of the press and other media, with some restrictions, and the government generally respected this right. An independent press and a functioning democratic political system

combined to promote freedom of expression, including for members of the media.

The government allocated a budget of nearly 21 million lempiras (\$865,000) for the continued operation of a protection mechanism for journalists, human rights defenders, and judicial-sector operators. As of August it continued to provide protection to 12 journalists, among other types of activists and human rights defenders. Some nongovernmental organizations (NGOs) expressed concern regarding weak implementation of the law and limited resources available to operate the government's protection mechanism. Civil society organizations criticized the government's failure to investigate threats adequately.

The Honduran National Police's Special Victim's Investigations Unit, formerly known as the Violent Crimes Task Force, investigated crimes against high-profile and particularly vulnerable victims, including journalists as well as judges, lawyers, and members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community.

**Censorship or Content Restrictions:** Media members and NGOs stated the press self-censored due to fear of retaliation from organized criminal groups or corrupt government officials.

**Libel/Slander Laws:** Citizens, including public officials, may initiate criminal proceedings for libel and slander. No cases were reported during the year.

**Nongovernmental Impact:** Some journalists and other members of civil society reported threats from members of organized criminal groups. It was unclear how many of these threats were related to the victims' professions or activism. Several anonymous social media sites, possibly linked to political parties, criticized journalists (as well as activists and civil society organizations) who were critical of the government or opposition party policies.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

## **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

#### **Freedom of Peaceful Assembly**

The law provides for freedom of peaceful assembly, and the government generally respected this right. On October 7, in a special session held during the Francisco Morazan national holiday, the National Congress passed a change to the penal code expanding the definition of “encroachment” (trespassing) by designating streets and parks as protected spaces and redefining groups of protesters to include as few as two persons. The change increases the penalty from two to four years to four to six years. The law entered into force on November 1.

#### **Freedom of Association**

The law provides for freedom of association, and the government generally respected this right. The law prohibits illicit association, defined as gatherings by persons bearing arms, explosive devices, or dangerous objects with the purpose of committing a crime, and prescribes prison terms of two to four years and a moderate fine for anyone who convokes or directs an illicit meeting or demonstration. The law prohibits police from unionizing (see section 7.a.).

On October 7, the National Congress passed changes to the money-laundering law to designate civil society organizations as politically exposed persons due to organizations’ use of foreign aid. The designation requires banks to impose a higher level of scrutiny on politically exposed persons’ financial transactions.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

#### **d. Freedom of Movement and the Right to Leave the Country**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The national curfew instituted in response to COVID-19, however, limited the freedom of internal movement and affected the freedom to leave the country, including for individuals at risk of or subject to persecution or torture. The government ended the curfew on October 1.

**In-country Movement:** There were areas where authorities could not assure freedom of movement because of criminal activity and a lack of significant government presence.

#### **e. Status and Treatment of Internally Displaced Persons**

The Internal Displacement Monitoring Center estimated there were approximately 247,000 internally displaced persons (IDPs) due to violence in the country as of 2020. According to UN reports from 2020, transnational gang activity was a primary contributor to violence-related internal displacement. In addition the center estimated approximately 937,000 individuals were forcibly displaced by natural disasters during 2020. Official data on forced internal displacement, especially displacement due to violence, was limited in part because gangs controlled many of the neighborhoods that were sources of internal displacement (see section 6, Displaced Children). NGOs reported IDPs were at increased risk of victimization and exploitation by criminal groups, which was also often the cause of displacement.

The government maintained the Interinstitutional Commission for the Protection of Persons Displaced by Violence and created the Directorate for the Protection of Persons Internally Displaced by Violence within the Secretariat of Human Rights. The secretariat reported assisting 127 IDPs as of August. Both the secretariat and the commission focused on developing policies to address IDPs. Under the Comprehensive Regional Protection and Solutions Framework, with significant support from the Office of the UN High Commissioner for Refugees (UNHCR), the government continued to build capacity to provide services to vulnerable populations, including IDPs, those at risk of forced displacement, refugees, and

returned migrants. Despite incremental progress, government capacities remained relatively nascent and limited.

## **f. Protection of Refugees**

The government cooperated with UNHCR and other humanitarian organizations that provide protection and assistance to refugees and other persons of concern.

**Access to Asylum:** The law provides for granting asylum or refugee status. The government had a nascent system to provide legal protection to refugees. Its operations to receive and process cases were reliant on substantial support from UNHCR.

**Abuse of Migrants and Refugees:** Transiting migrants and asylum seekers with pending cases were vulnerable to abuse and sexual exploitation by criminal organizations. Women, children, and LGBTQI+ migrants and asylum seekers with pending cases were especially vulnerable to abuse. Asylum seekers and refugees continued to face acute protection risks in border zones.

## **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the right to choose their government in free and fair periodic elections held by secret ballot and based on nearly universal and equal suffrage. The law does not permit active members of the military or civilian security forces to vote. The constitution prohibits practicing clergy from running for office or participating in political campaigns.

### **Elections and Political Participation**

**Recent Elections:** In November Xiomara Castro of the LIBRE Party won a four-year presidential term in elections that were generally considered free, fair, and transparent. Some NGOs reported irregularities, including late delivery of technology needed to transmit results, late opening of the polls, poll workers with varying degrees of preparation and knowledge of the electoral law and processes, and lack of transparency in campaign financing. International observers acknowledged some of these irregularities but reported they were not systematic and not widespread enough to affect the outcome of the presidential election.

Observers noted several significant improvements in transparency procedures, including electoral reforms, an updated voter registry and new national identification cards, and new technology that included a biometric verification system and a preliminary results transmission system.

**Participation of Women and Members of Minority Groups:** No laws limit the participation of women or members of minority groups in the political process, and they did participate.

## **Section 4. Corruption and Lack of Transparency in Government**

The law provides for criminal penalties for corruption by officials, but authorities did not implement the law effectively, and officials continued to engage in corrupt practices with impunity. There were numerous reports of government corruption during the year. A revision to the penal code that entered into force in June 2020 broadly reduces criminal penalties for corruption by officials. Inconsistent, retroactive implementation of provisions of the revised code led to logjams in the legal system and impunity for some of the accused. Backsliding occurred in cases brought during the four-year mandate of the OAS Mission to Support the Fight Against Corruption and Impunity in Honduras; several of its cases were dismissed or postponed as courts heard appeals based on the new code. The government took some steps to address corruption at high levels in government agencies, including arresting and charging senior officials on COVID-related procurement corruption. The government launched a new Ministry of Transparency in November 2020 to address some of these concerns. Anticorruption efforts remained an area of concern, as did the government's ability to protect justice-sector officials, such as prosecutors and judges. Civil society continued to criticize the law for classification of documents related to security and national defense, saying it limited transparency and allowed officials to use the classification of documents to obscure wrongdoing.

**Corruption:** The new trial of former first lady Rosa Elena Bonilla de Lobo on charges of fraud and misappropriation of public funds, originally set to commence in March, was twice delayed for medical reasons. Periodic medical evaluations

had not found Lobo healthy enough to proceed. Her most recent evaluation was in August, and the court declared her fit to stand trial in September. Her retrial was scheduled for February 2022.

Marco Bogran, former director of INVEST-H, the Honduran government entity tasked with providing coronavirus pandemic relief contracts to private firms, remained in pretrial detention awaiting his next court appearance, scheduled for January 31, 2022. Bogran was arrested in October 2020 on two corruption charges for embezzling an estimated 1.14 billion lempiras (\$47 million) in public funds and funneling a contract for mobile hospitals to his uncle, Napoleon Corrales. He was arrested again in April for separate but related charges.

In January the government funded the opening of a UN Office of Drugs and Crime office to begin a government transparency project and support the drafting of the country's first national anticorruption strategy.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views, but some human rights organizations criticized government officials for lack of access and responsiveness.

**Government Human Rights Bodies:** A semiautonomous commissioner for human rights, Blanca Izaguirre, served as an ombudsperson and investigated complaints of human rights abuses. With offices throughout the country, the ombudsperson received cases that otherwise might not have risen to national attention. The Secretariat of Human Rights served as an effective advocate for human rights within the government. The Public Ministry's Office of the Special Prosecutor for Human Rights handled cases involving charges of human rights abuses by government officials. The Public Ministry also has the Special Prosecutor's Office for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Officials. There is also a Human Rights

Committee in the National Congress. The Ministries of Security and of Defense both have human rights offices that coordinate human rights-related activities with the Secretariat of Human Rights.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law criminalizes all forms of rape of women or men, including spousal rape. The government considers rape a crime of public concern, and the state prosecutes rapists even if victims do not press charges. The penalties for rape range from nine to 13 years' imprisonment. The law was not effectively enforced, and weak public institutional structures contributed to the inadequate enforcement.

The law does not criminalize domestic violence but provides penalties of up to 12 years in prison for violence against a family member, depending on the severity of the assault and aggravating circumstances. If a victim's physical injuries do not reach the severity required to categorize the violence as a criminal act, the legal penalty for a first offense is a sentence of one to three months of community service. Survivors of domestic violence are entitled to certain protective measures, such as removing the abuser from the home and prohibiting the abuser from visiting the victim's work or other frequently visited places. Abusers caught in the act may be detained for up to 24 hours as a preventive measure. The law provides a maximum sentence of three years in prison for disobeying a restraining order connected with the crime of violence against a woman.

Civil society groups reported that women often did not report domestic violence or withdrew charges because they feared, or were economically dependent on, the aggressor. In addition women experienced delays in accessing justice due to police who failed to process complaints in a timely manner or judicial system officials who deferred scheduling hearings. Institutions such as the National Women's Institute attempted to enhance the government's response to domestic violence by opening three additional women's centers in the country. These efforts were insufficient due to limited political will, inadequate staffing, limited or no services in rural areas, absence of or inadequate training and awareness of domestic

violence among police and other authorities, and a pattern of male-dominant culture and norms.

In cooperation with the UN Development Program (UNDP), the government operated consolidated reporting centers in Tegucigalpa and San Pedro Sula where women could report crimes, seek medical and psychological attention, and receive other services. These reporting centers were in addition to the 298 government-operated women's offices – one in each municipality – that provided a wide array of services to women, focusing on education, personal finance, health, social and political participation, environmental stewardship, and prevention of gender-based violence.

**Sexual Harassment:** The law criminalizes sexual harassment, including in employment. Violators face penalties of one to three years in prison and possible suspension of their professional licenses, but the government did not effectively enforce the law.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Contraception supplies continued to be limited. The law prohibits the sale, distribution, and use of emergency contraception for any reason, including for survivors of sexual violence. The government provided victims of sexual violence access to other health-care services.

Although 74 percent of births were attended by skilled health care personnel, NGOs reported significant gaps in obstetric care, especially in rural areas. The World Bank reported in 2018 that the adolescent birth rate was 72 births per 1,000 girls ages 15 to 19.

**Discrimination:** Although the law accords women and men the same legal rights and status, including property rights in divorce cases, many women did not fully enjoy such rights due to barriers in access to justice and lack of information regarding legal protections. Most women in the workforce engaged in lower-status and lower-paying informal occupations, such as domestic service, without the benefit of legal protections. By law women have equal access to educational opportunities.

## **Systemic Racial or Ethnic Violence and Discrimination**

The law criminalizes discrimination based on race and ethnicity and includes crimes committed against individuals because of race or ethnicity as aggravating circumstances to increase penalties for criminal offenses. Nevertheless, social discrimination against racial and ethnic groups persisted, as did physical violence.

As of September the Public Ministry had received nine reports of racial or ethnic discrimination. CONADEH received four reports as of August.

On March 3, unknown assailants killed Martin Pandy, president of the Garifuna community of Corozal, and another community member. Pandy was a human rights and land rights activist.

The government's National Policy to Combat Racism and Racial Discrimination seeks to promote equality and combat discrimination related to the country's seven indigenous and two Afro-descendent groups, with a focus on social and political participation; access to education, health care, justice, and employment opportunities; and rights to ancestral lands and natural resources. NGOs reported the government did not effectively combat discrimination and promote equal access to government services or employment opportunities.

## **Indigenous Peoples**

In the 2013 census, approximately 8.5 percent of the population identified themselves as members of indigenous communities, but other estimates were higher. Indigenous groups included the Miskito, Tawahka, Pech, Tolupan, Lenca, Maya-Chorti, and Nahua. They had limited representation in the national government and consequently little direct input into decisions affecting their lands, cultures, traditions, and the allocation of natural resources.

Indigenous communities continued to report threats and acts of violence against them and against community and environmental activists. Violence was often rooted in a broader context of conflict over land and natural resources, extensive corruption, lack of transparency and community consultation, other criminal activity, and limited state ability to protect the rights of vulnerable communities.

Ethnic minority rights leaders, international NGOs, and farmworker organizations claimed the government failed to redress actions taken by security forces, government agencies, private individuals, and businesses to dislodge farmers and indigenous persons from lands over which they claimed ownership based on land reform law or ancestral land titles.

Persons from indigenous and Afro-descendant communities continued to experience discrimination in employment, education, housing, and health services. A 2019 Inter-American Commission on Human Rights report noted there were insufficient hospital beds and inadequate supplies at the only hospital that serviced Gracias a Dios Department, home to most of the Miskito community.

## **Children**

**Birth Registration:** Children derive citizenship by birth in the country, from the citizenship of their parents, or by naturalization.

**Child Abuse:** Child abuse remained a serious problem. The law establishes prison sentences of up to two and one-half years for child abuse. As of June the Violence Observatory reported killings of 80 persons younger than 18.

**Child, Early, and Forced Marriage:** The minimum legal age of marriage for both boys and girls is 18. According to UNICEF, 34 percent of women and 12 percent of men ages 20 to 24 married before age 18.

**Sexual Exploitation of Children:** The commercial sexual exploitation of children, especially in sex trafficking, remained a problem. The country was a destination for child sex tourism, particularly in the tourist area of the Bay Islands. The legal age of consent is 18. There is no statutory rape law, but the penalty for rape of a minor younger than 14 is 12 to 17 years in prison, or nine to 13 years in prison if the victim is 14 or older. Penalties for facilitating child sex trafficking are six to 12 years in prison and monetary fines. The law prohibits the use of children younger than 18 for exhibitions or performances of a sexual nature or in the production of pornography.

**Displaced Children:** Civil society organizations reported that common causes of forced displacement for youth included death threats for failure to pay extortion,

attempted recruitment by gangs, witnessing criminal activity by gangs or organized criminal groups, domestic violence, attempted kidnappings, family members' involvement in drug dealing, victimization by traffickers, rape including commercial sexual exploitation by gangs, discrimination based on sexual orientation or gender identity, sexual harassment, and discrimination for having a chronic medical condition.

**International Child Abductions:** The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## **Anti-Semitism**

The Jewish community numbered approximately 275 members. There were no reports of anti-Semitic acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The Public Ministry is responsible for prosecuting violations. The law requires that persons with disabilities have access to buildings, but few buildings were accessible, and the government did not effectively implement laws or programs to provide such access.

Through August CONADEH received six reports of discrimination against individuals with disabilities. The Public Ministry received one report of discrimination based on an individual's disability as of September. The incident allegedly occurred in a place of employment.

The government has an Office for Persons with Disabilities located within the

Ministry of Development and Social Inclusion, but its ability to provide services to persons with disabilities was limited. Mental health professionals expressed concern regarding social stigma by families and communities against persons with mental disabilities and a lack of access to mental health care throughout the country.

According to government estimates, children with disabilities attended school at a lower rate than the general population. World Bank statistics from 2020 put net enrollment for primary school above 90 percent, but the National Center for Social Sector Information stated that 43 percent of persons with disabilities received no formal education.

### **HIV and AIDS Social Stigma**

Persons with HIV and AIDS continued to be targets of discrimination, and they suffered disproportionately from gender-based violence.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

The Cattrachas Lesbian Network reported 17 violent deaths of LGBTQI+ persons as of August. On March 28, transgender activist Vanessa Zuniga was killed in Tela, Atlantida Department. Vanessa worked as a volunteer in the Association for Prevention and Education in Health, Sexuality, AIDS, and Human Rights.

Same-sex sexual activity has been legal since 1899; however, same-sex couples and households headed by same-sex couples are not eligible for the same legal protections available to opposite-sex married couples. The law criminalizes discrimination based on sexual orientation and gender identity characteristics and includes crimes committed against individuals because of their sexual orientation or gender identity as aggravating circumstances to increase penalties for criminal offenses. Nevertheless, social discrimination against LGBTQI+ persons persisted, as did physical violence. Impunity for such crimes remained high, as was the impunity rate for all types of crime.

LGBTQI+ rights groups asserted that government agencies and private employers engaged in discriminatory hiring practices. Transgender women were particularly

vulnerable to employment and education discrimination; many could find employment only as sex workers, increasing their vulnerability to violence and extortion. Transgender persons are prohibited from changing their legal gender status.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law grants workers the right to form and join unions of their choice, bargain collectively, and strike. It prohibits employer retribution against employees for engaging in trade union activities. The law places restrictions on these rights, such as requiring that a recognized trade union represent at least 30 workers, prohibiting foreign nationals from holding union offices, and requiring that union officials work in the same substantive area of the business as the workers they represent. The law prohibits members of the armed forces and police, as well as certain other public employees, from forming labor unions.

The law requires an employer to begin collective bargaining once workers establish a union, and it specifies that if more than one union exists at a company, the employer must negotiate with the largest.

The law allows only local unions to call strikes, prohibits labor federations and confederations from calling strikes, and requires that a two-thirds majority of both union and nonunion employees at an enterprise approve a strike. The law prohibits workers from legally striking until after they have attempted and failed to come to agreement with their employer, and it requires workers and employers to participate in a mediation and conciliation process. In addition the law prohibits strikes in a wide range of economic activities that the government has designated as essential services or that it considers would affect the rights of individuals in the larger community to security, health, education, and economic and social well-being.

The law permits workers in public health care, social security, staple food production, and public utilities (municipal sanitation, water, electricity, and telecommunications) to strike if they continue to provide basic services. The law

also requires that public-sector workers involved in the refining, transportation, and distribution of petroleum products submit their grievances to the Secretariat of Labor and Social Security (STSS) before striking. The law permits strikes by workers in export-processing zones and free zones for companies that provide services to industrial parks, but it requires that strikes not impede the operations of other factories in such parks. The STSS has the power to declare a work stoppage illegal, and employers may discipline employees consistent with their internal regulations, including by firing strikers, if the STSS rules that a work stoppage is illegal.

The government did not effectively enforce the law. Employers frequently refused to comply with STSS orders that required them to reinstate workers who had been dismissed for participating in union activities. Both the STSS and the courts may order a company to reinstate workers, but the STSS lacked the personnel and transportation resources to verify compliance. By law the STSS may fine companies that violate the right to freedom of association. The law permits fines, and while the monetary penalty is commensurate with those for other laws involving denials of civil rights, such as discrimination, the failure of the government to collect the fines facilitated continued labor law violations.

Workers had difficulty exercising the rights to form and join unions and to engage in collective bargaining, and the government failed to enforce applicable laws effectively. Public-sector trade unionists raised concerns regarding government interference in trade union activities, including its suspension or ignoring of collective agreements and its dismissals of union members and leaders.

Some employers either refused to engage in collective bargaining or made it very difficult to do so. Some companies also delayed appointing or failed to appoint representatives for required STSS-led mediation, a practice that prolonged the mediation process and impeded the right to strike. There were allegations that companies used collective pacts, which are collective contracts with nonunionized workers, to prevent unionization and collective bargaining because only one collective contract may exist in each workplace. Unions also raised concerns regarding the use of temporary contracts and part-time employment, suggesting that employers used these mechanisms to prevent unionization and avoid providing full benefits. The government investigated violence and threats of violence against

union leaders. Impunity for such crimes remained high, as was the impunity rate for all types of crime.

On April 23, the Public Ministry arrested and charged Josue Exequiel Martinez Martinez, Siriaco Mejia Santos, Francisco Lopez Lazo, and Mario Anibal Lopez Velasquez for the December 2020 murder of Felix Vasquez. Vasquez was the leader of the Union of Field Workers, a member of the Lenca community, an environmental activist, and a LIBRE Party candidate for Congress. The accused were in pretrial detention awaiting the next phase of the judicial process.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced labor, but the government did not effectively implement or enforce the law. Administrative penalties were insufficient to deter violations and were rarely enforced. On October 7, the National Congress increased penalties for forced labor under the trafficking-in-persons article of the penal code from five to eight years' imprisonment to 10 to 15 years, bringing the penalties in line with the penalties for other analogous serious crimes, such as kidnapping. Authorities often did not effectively enforce the law.

Forced labor occurred in street vending, domestic service, the transport of drugs and other illicit goods, other criminal activity, and the informal sector. Victims were primarily impoverished individuals in both rural and urban areas (see section 7.c.). Children, including from indigenous and Afro-descendant communities, particularly Miskito boys, were at risk for forced labor in the agriculture, manufacturing, fishing, mining, construction, and hospitality industries. The law requires prisoners to work at least five hours a day, six days a week. Regulations for implementing the law remained under development as of November. The Secretariat of Human Rights stated it was taking every precaution to protect prisoners' rights and assure that the work provided opportunities for prisoners to develop skills they could use in legal economic activities after their release.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all the worst forms of child labor. The law regulates child labor, sets the minimum age for employment at age 14, and regulates the hours and types of work that minors younger than 18 may perform. By law all minors between the ages of 14 and 18 in most industries must receive special permission from the STSS to work, and the STSS must perform a home study to verify that there is an economic need for the child to work and that the child does not work outside the country or in hazardous conditions, including in offshore fishing. The STSS did not approve any authorizations through September. Most children who worked did so without STSS permits. If the STSS grants permission, children between 14 and 16 may work a maximum of four hours a day, and those between 16 and 18 may work up to six hours a day. The law prohibits night work and overtime for minors younger than 18, but the STSS may grant special permission for minors between the ages of 16 to 18 to work in the evening if such employment does not adversely affect their education.

The law requires individuals and companies that employ more than 20 school-age children at their facilities to provide a location for a school.

The government did not effectively enforce the law. Fines for child labor were not sufficient to deter violations and not commensurate with penalties for other analogous serious crimes, such as kidnapping. The law also imposes prison sentences of up to two years, eight months for child labor violations that endanger the life or morality of a child age 16 or 17 and up to three years, four months for children younger than 16. The STSS completed 29 child labor inspections as of September and identified 13 minors working without permission. Estimates of the number of children younger than 18 in the country's workforce ranged from 370,000 to 510,000. Children often worked on melon, coffee, okra, and sugarcane plantations as well as in other agricultural production; scavenged at garbage dumps; worked in the forestry and fishing sectors; worked as domestic servants; peddled goods such as fruit; begged; washed cars; hauled goods; and labored in limestone quarrying and lime production. Most child labor occurred in rural areas. Children often worked alongside family members in agriculture and other work, such as fishing, construction, transportation, and small businesses. Some of the worst forms of child labor occurred, including commercial sexual exploitation of

children, and NGOs reported that gangs often forced children to commit crimes (see section 6, Children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits employment discrimination based on gender, age, sexual orientation, gender identity, political opinion or affiliation, marital status, race or ethnicity, national origin, language, place of residence, religion, family or economic situation, disability, or health. Penalties include prison sentences of up to two years and monetary fines. The law prohibits employers from requiring pregnancy tests as a prerequisite for employment; penalties were not sufficient to deter violations. The government did not effectively enforce these laws and regulations, although penalties were commensurate with laws related to civil rights, such as election interference. The law states that a woman's employment should be appropriate according to her physical state and capacity. There were no reports of this law being used to limit women's employment.

Many employers discriminated against women. Persons with disabilities, indigenous and Afro-descendant persons, LGBTQI+ persons, and persons with HIV or AIDS also faced discrimination in employment and occupation (see section 6).

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** There are 45 categories of monthly minimum wage, based on the industry and the size of a company's workforce; the minimum average was above the poverty line. The law does not cover domestic workers, the vast majority of whom were women.

The law applies equally to citizens and foreigners, regardless of gender, and prescribes a maximum eight-hour shift per day for most workers, a 44-hour workweek, and at least one 24-hour rest period for every six days of work. It also provides for paid national holidays and annual leave. The law requires overtime pay, bans excessive compulsory overtime, limits overtime to four hours a day for a

maximum workday of 12 hours, and prohibits the practice of requiring workers to complete work quotas before leaving their place of employment.

In some industries, including agriculture, domestic service, and security, employers did not respect maternity rights or pay minimum wage, overtime, or vacation. In these sectors employers frequently paid workers for the standard 44-hour workweek irrespective of any additional hours they worked. In security and domestic service sectors, workers were frequently forced to work more than 60 hours per week but paid only for 44 hours.

The STSS is responsible for enforcing the national minimum wage, hours of work, and occupational health and safety law, but it did so inconsistently and ineffectively. Civil society continued to raise problems with minimum wage violations, highlighting agricultural companies in the south as frequent violators. The law permits fines, and while the monetary penalty is sufficient to deter violations and commensurate with the penalties for similar crimes, such as fraud, the failure of the government to collect those fines facilitated continued labor code violations. As of September inspectors conducted 8,846 total inspections, compared with 4,102 total inspections for the same period in 2020. The number of inspections increased significantly as the STSS resumed normal inspections, suspended in 2020 due to the COVID-19 pandemic. As of September the STSS had an insufficient number of inspectors to enforce the law effectively.

Because labor inspectors continued to be concentrated in Tegucigalpa and San Pedro Sula, full labor inspections and follow-up visits to confirm compliance were far less frequent in other parts of the country. Many inspectors asked workers to provide them with transportation so that they could conduct inspections, since the STSS could not pay for travel to worksites. Credible allegations of corruption in the STSS continued.

**Occupational Safety and Health:** The government did not effectively enforce occupational safety and health standards, particularly in the construction, garment assembly, and agricultural sectors, as well as in the informal economy. Penalties for violations of occupational safety and health law were commensurate with penalties for similar crimes. There was no information available on any major industrial accidents. Employers rarely paid the minimum wage in the agricultural

sector and paid it inconsistently in other sectors. Employers frequently penalized agricultural workers for taking legally authorized days off. Health-care workers protested the lack of adequate protective equipment and delayed salary payments during the COVID-19 pandemic.

By law workers may remove themselves from situations that endanger their health or safety without jeopardizing continued employment. Under the new inspection law, the STSS has the authority temporarily to shut down workplaces where there is an imminent danger of fatalities; however, there were not enough trained inspectors to deter violations sufficiently.

While all formal workers are entitled to social security, there were reports that both public- and private-sector employers failed to pay into the social security system. The STSS may levy a fine against companies that fail to pay social security obligations, but the amount was not sufficient to deter violations.

**Informal Sector:** According to the STSS, approximately 75 percent of workers worked in the informal economy, equivalent to approximately 2.7 million persons. There were different methodologies to measure the size of the informal economy, and a March 2020 UNDP report estimated that 82 percent of workers were part of the informal economy. This definition included workers who did not contribute to any form of social security protection, and thus it may have undercounted underemployed workers who rely on jobs in both the formal and informal sectors. According to UNDP data, informal workers played a large role in nearly every industry, including agriculture and fishing; mining; manufacturing; utilities; construction; wholesale retail, hotels, and restaurants; transport and storage; and personal services. These workers are not covered by the contributory social security system and are not protected by the labor code.